

Joint Ethics Regulation



JOINT ETHICS REGULATION Overview

- **JER Background and Scope**
- **Ethics Resource**
- **Key Rules**



References

***Joint Ethics Regulation (DoD
5500.7-R)***

HQ USAF/JAG Updates

Ethics Websites

Ethical thought...



- Clear conscience never fears midnight knocking.
- Chinese Proverb

JER Background

- **Replaced AFR 30-30**
- **DOD Directive 5500.7-R (30 Aug 93)**
- **No Service Supplementing Regulations**
- **Applies to all DOD employees,
regardless of civilian or military grade**
- **12 Chapters, Punitive Provisions**

Overview of JER Topics

- **Gifts**
- **Use of Government Resources**
- **Activities with Non-Federal Entities**
- **Travel Benefits**
- **Conflicts of Interest**
- **Political Activities**
- **Financial Disclosure**
- **Fundraising Activities**
- **Post-Government Employment**
- **Gambling**
- **Training Requirements**

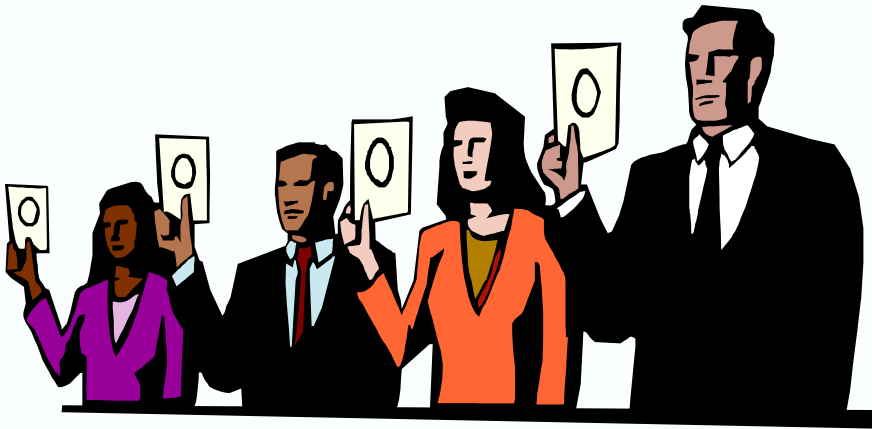
Joint Ethics Regulation (JER)

- **First Issued on 30 Aug 93:**
 - **Change 1 -- 2 November 1994**
 - **Change 2 -- 25 March 1996**
 - **Change 3 -- 4 December 1997**
 - **Change 4 -- 6 August 1998**

Ethics Counselors

- **Staff Judge Advocate is the Designated Agency Ethics Counselor**
 - **Appointed in Writing**
 - **Must be an Attorney**
- **No Attorney-Client Privilege**
 - **Duty to Report Suspected JER Violations**
- **Importance of Written Advice**

Ethical thought....



- What you do speaks so loudly that I cannot hear what you say.
 - Ralph Waldo Emerson

Ethics Resources

- **U.S. Office of Government Ethics**
<http://www.usoge.gov/>
- **DOD/GC, Designated Agency Ethics Official**
http://www.defenselink.mil/dodgc/defense_ethics/index.html
- **HQ USAF/JAG (??)**
http://aflsa.jag.af.mil/GROUPS/AIR_FORCE/GENERAL_LAW/ethics.htm
- **HQ AMC/JA**
<http://www.afmc-pub.wpadb.af.mil/HQ-AMC/JA/lo/lojaf/ethics/index.htm>

JOINT ETHICS REGULATION KEY RULES

Conflicts of Interest

Gift Rules



Travel Rules



t of Non-Federal Entities



Conflicts of Interest

- No personal & substantial participation in a matters if direct & predictable effect on financial interests
 - Includes family members and business partners
- No **appearance** of conflict
- No private gain/endorsement/use of non-public information



These are punitive provisions

General Gift Rule

5 U.S.C. § 7353

Do not solicit or accept
any gift:

- 1) From a prohibited
- 2) Given because of
official position

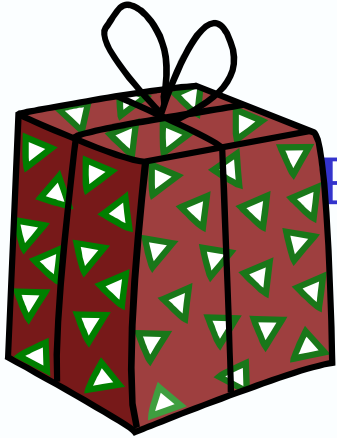


What's a Prohibited Source?

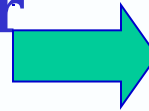
Any person:

- 1) Seeking action or to do business with your agency (DoD)
- 2) Whose interests may be substantially affected by the performance or non-performance of your official duties

Gift Analysis



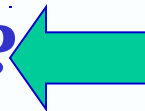
Prohibited Source or
Official Position?



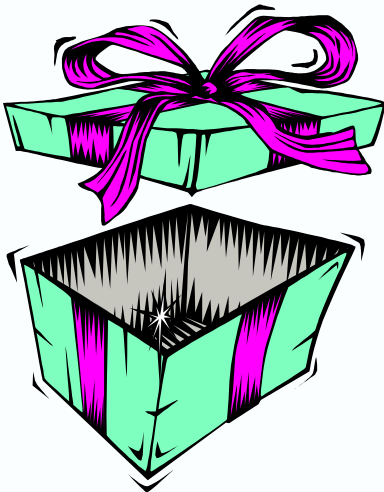
Is it a gift?



Exception?



Other Limitation?





Not “Gifts”



- 1) Modest items of food and refreshment
- 2) Items with low intrinsic value (e.g. greeting cards)
- 3) Loans from financial institutions
- 4) Opportunities available to the public or a class of employees
- 5) Rewards & prizes to competition



Gift Exceptions

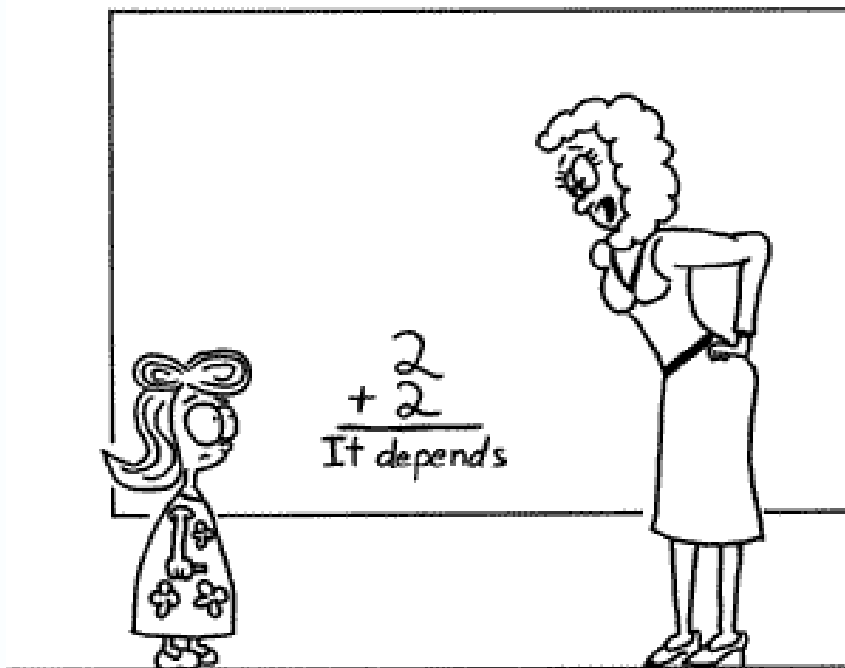
Stu's Views

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But of course
for every
rule, there
is an
exception

.....



"Suzie, this is math, not the law."

.... (12 to be
exact)

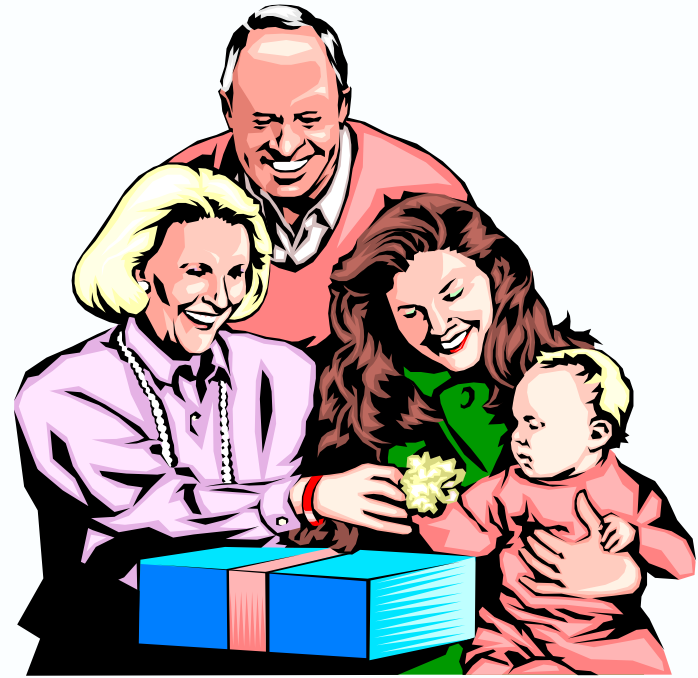
❖ Gifts of \$20 or less



✓ Up to \$50 per year from same source

✓ Excluded from the annual exclusion

❖ **Based on
personal
relationships**



❖ **Based on outside
business or
employment
relationships**

✓ **Provided it's not offered
or enhanced because of**



❖ Awards and Honorary Degrees

- ✓ If part of bona fide award program for meritorious public service



- ✓ Given by group who doesn't stand to benefit by employee's performance or non-performance of official duties



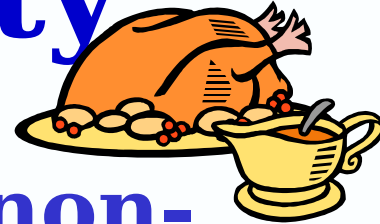
- ✓ Non-cash value up to \$200

❖ Widely Attended Gatherings

- ✓ Free attendance at social, civic or entertainment events in official capacity
- ✓ Members from throughout a given industry; or diverse groups interested in a certain topic
- ✓ Includes fees, food, entertainment
- ✓ Excludes travel, lodging, etc.



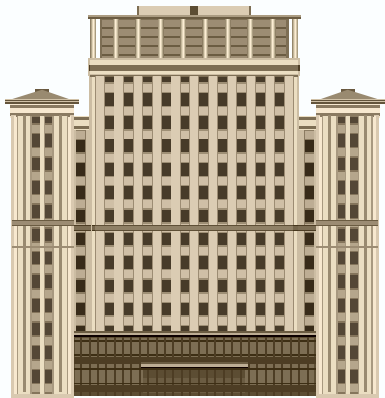
❖ Gifts accepted under specific statutory authority



✓ Travel benefits from non-federal entities under 31 USC § 1353

✓ Includes travel, lodging, meals

✓ Attendance in official capacity at meetings or similar function



❖ Foreign Area Exception

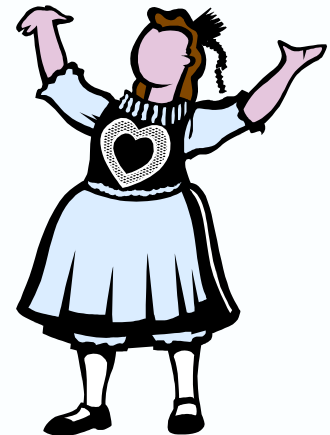
✓ Food, refreshments or entertainment at event



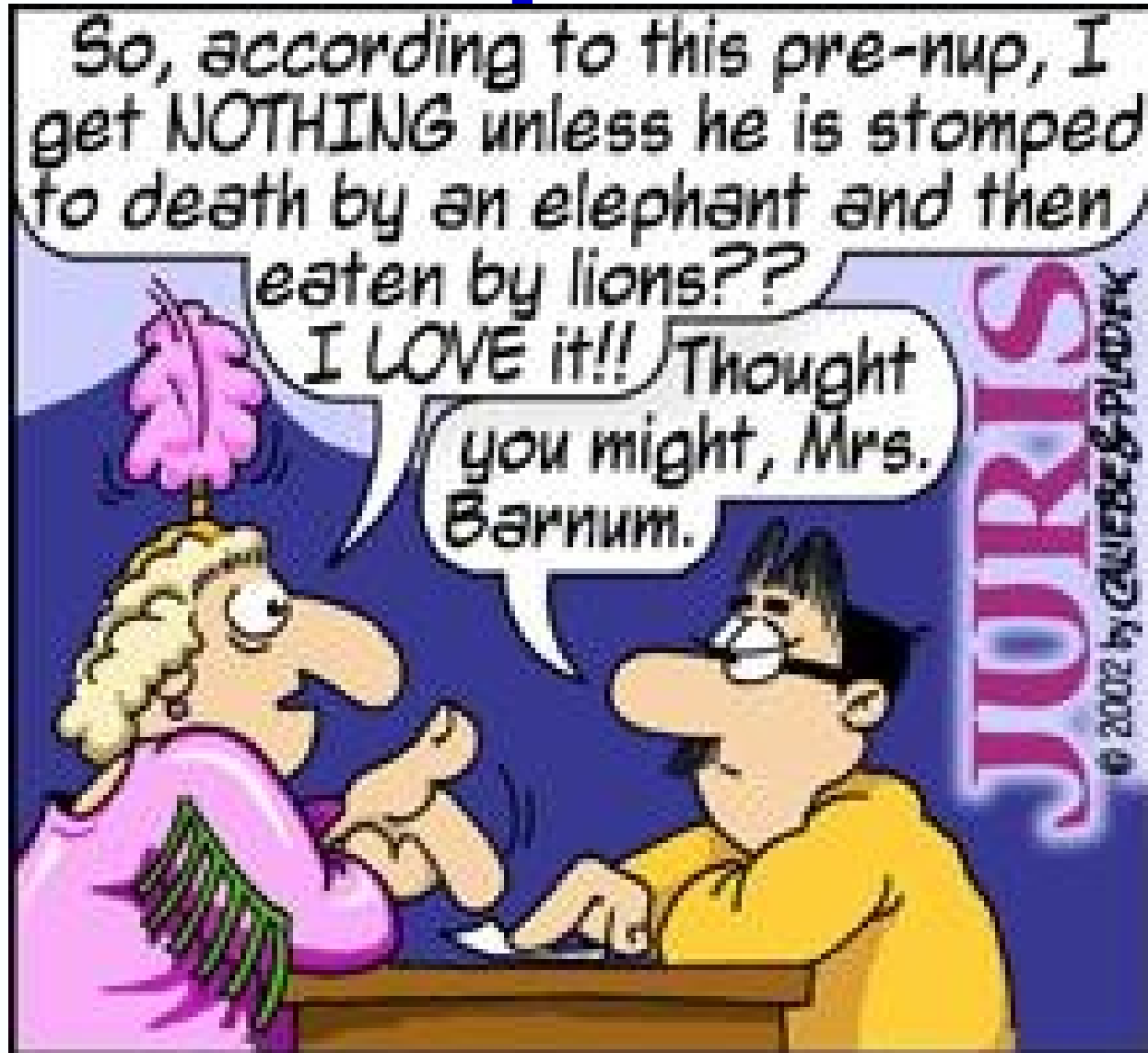
✓ Can't exceed per diem rate for that area



✓ Participat
ion by
foreign
entities



Limitations on Exceptions





Notwithstanding any Exception, You Shall Not:

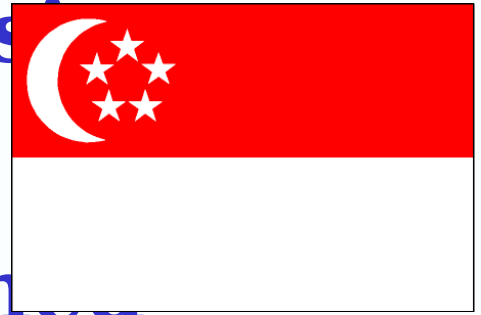
- **Accept a gift in return for being influenced in the performance of an official act**
- **Solicit or coerce the offering of a gift**
- **Accept from the same sources on a basis so frequent as to cause appearance ...**
- **Accept a gift in violation of any statute**
- **Accept vendor promotional training contrary to applicable regulations**

Handling Improper Gifts

- **Refuse or return**
- **Pay fair market value**
- **Accept and distribute perishable items - with approval**
- **Gifts to the Government
(10 USC 2601 and 2608)**

Gifts from Foreign Governments

- ✓ Whenever possible, decline
- ✓ Accept to avoid embarrassment or offending donor
- ✓ Gifts < \$285 can be retained
- ✓ Gifts > \$285 become property of U.S.



Gifts Between

Employees

Stu's Views

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"Business ethics" are all the craze.
Obviously, we'll just have to wait it out.



Gifts to Subordinates

NO PROBLEM

- Provided it does not cross the professional relationship line (topic for another day)



Gifts from Subordinates

- ✓ **You may not give or solicit for gifts to a superior**
- ✓ **You may not accept gifts from an employee receiving less pay**
 - ✓ **Unless no superior-subordinate relationship**
 - ✓ **AND personal relationship justifies**



Exception #1

- ✓ On occasions when gifts are ordinarily exchanged, a gift valued at \$10 or less may be accepted, as well as group refreshments

On your birthday, the office gives you a cake and card ...



At Christmas your secretary brings you a poinsettia valued at \$8

Exception #2 (Part A)

- ✓ On infrequently occurring occasions of personal significance to the recipient
 - Includes: Marriage, illness, death, birth
 - Excludes: Birthdays, anniversary, holidays



Exception #2 (Part B)

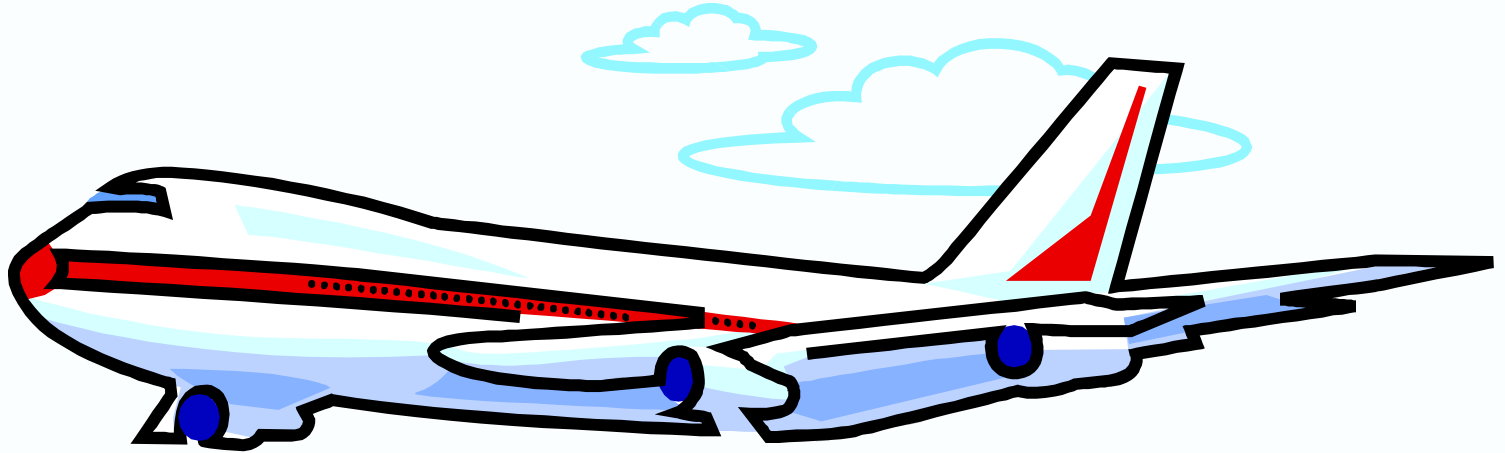
- ✓ On occasions that terminate the superior-subordinate relationship (i.e. transfer or retirement) you may accept a gift under \$300 from a donating group of employees
 - You are PCSing to Alaska. Your entire office gives you a parka (\$150) ... acceptable.
 - You are going TDY to Alaska. Your office gives you the parka ... Not acceptable.

Ethical thought...



- If a man's mind becomes pure, his surroundings will also become pure.
 - Budda

TRAVEL BENEFITS



- ✓ **Frequent Flyer Miles**
- ✓ **Travel Vouchers**
- ✓ **Upgrades**

Frequent Flyer Miles

- ✓ **FY 2002 DoD Authorization Act changed the long-standing rules**
- ✓ **Federal employees who receive promotional items may keep the item for personal use**
- ✓ ***Caveat:* Must be available to the public under the same terms and can be accepted at no additional cost to the government**

Travel Vouchers

- ✓ **Involuntary Bump - benefit to government**
- ✓ **Voluntary Bump - employee may keep**
- ✓ ***Caveats:***
 - **Delay can't interfere with duties**
 - **Member can't seek reimbursements for expenses incurred by the delay**

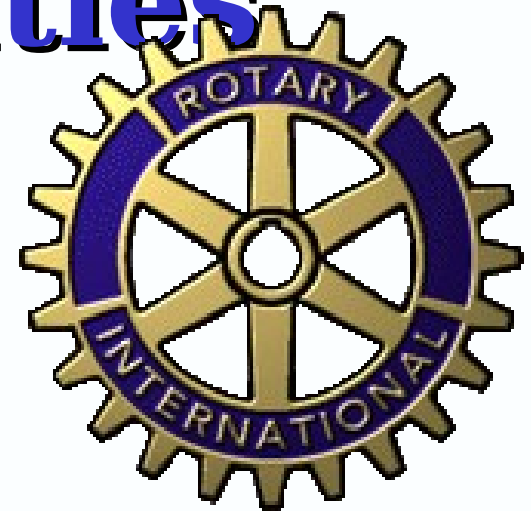
Upgrades

- ✓ **Okay to accept on-the-spot upgrades to first class if 2 conditions are met:**
 - 1) **No additional cost to the government**
 - 2) **Offered on same terms as a member of the public**
- ✓ **NEVER OKAY IN UNIFORM**
 - ✓ **First or Business Class**

Upgrades

- ✓ Frequent flier miles earned on official travel (including FEMs) may be used for upgrades only while on official travel.
- ✓ May use miles earned on official travel (including FEMs) to purchase personal airline tickets.

Support of Non-Federal Entities



Official Participation

- **Attendance ... okay if official purpose**
- **Membership ... okay if a liaison**
- **Management ... usually no**
- **Endorsement ... usually no**
- **Support ... okay if meets 7-part test**

JER Section 3-211a

COMMANDER'S DECISION:

- 1. No interference with mission**
- 2. Public affairs interests are served**
- 3. Appropriate for DoD to associate**
- 4. Benefits to local community**
- 5. Willing to support comparable events***
- 6. Use is not restricted by other statutes**
- 7. No admission fee except costs**

Personal Participation

- **Membership ... okay**
- **Fundraising ... okay**
- **Government resources ... can't use official time or resources**
 - **Cannot fundraise during duty hours (unless on leave or lunch)**
 - **Can't use gov't property (including space) unless authorized by CC**

JOINT ETHICS REGULATION Summary

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- **Ethics Resources**
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are to render their
services without any
taking
of presents...”

--*Plato*

